



Civil Action No. 9:16-03867-MGL-BM

ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND  
DISMISSING THE CLAIMS AGAINST NURSE NFN JONES WITHOUT PREJUDICE

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the

Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). The Court need not conduct a de novo review, however, “when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge’s] proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982); *see* Fed. R. Civ. P. 72(b).

The Magistrate Judge filed the Report on September 21, 2017. ECF No. 36. On October 2, 2017, the Clerk of Court filed a letter from Plaintiff with a partially completed Refusal of Medical Advice Form (Plaintiff’s Letter) attached. ECF No. 38.

“A document filed *pro se* is ‘to be liberally construed.’” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Courts are not, however, required to “conjure up questions never squarely presented to them” or seek out arguments for a party. *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985).

Even when construed liberally and in the light most favorable to Plaintiff, Plaintiff’s Letter fails to set forth any specific objections to the Report. Instead, Plaintiff’s Letter consists of a conclusory allegation his constitutional rights have been violated, a citation regarding a party’s ability to bring an action under 42 U.S.C. § 1983, and a paragraph regarding Plaintiff’s alleged inability to access the “law computer” and other statements seemingly unrelated to the Report. The Refusal of Medical Advice Form attached to Plaintiff’s Letter has been filled out by Plaintiff but is not signed by a representative of the South Carolina Department of Corrections, and Plaintiff provides no explanation regarding the purpose for which he supplies the form. Any meaningful counter to the well-reasoned conclusions in the Report is absent. Because Plaintiff’s

Letter fails to allege any specific objection to the Report, the Court need not—and will not—further address the content of Plaintiff’s Letter.

After a thorough review of the Report, Plaintiff’s Letter, and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Defendants’ motion for summary judgment is **GRANTED**, and Plaintiff’s claims against Defendants NFN Marshall, Lt. Chestnut, Tim Riley, Gary Lane, and A/Warden NFN Goodsons are **DISMISSED WITH PREJUDICE**. Plaintiff’s claims against Nurse Jones are **DISMISSED WITHOUT PREJUDICE** under Federal Civil Procedure Rule 4(m).

**IT IS SO ORDERED.**

Signed this 19th day of October 2017 in Columbia, South Carolina.

s/ Mary Geiger Lewis

MARY GEIGER LEWIS  
UNITED STATES

DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.